

APR 22 2019

B1040 (FORM 1040) (12/15)

U.S. BANKRUPTCY COURT

ADVERSARY PROCEEDING COVER SHEET		CLERK, N.J.	ADVERSARY PROCEEDING NUMBER
(Instructions on Reverse)		(Court Use Only)	
PLAINTIFFS Adam + Kim Ripe		DEFENDANTS Regina Perfetti	
ATTORNEYS (Firm Name, Address, and Telephone No.) N/A		ATTORNEYS (If Known) Law Offices of Mark W. Ford, LLC 4 1/2 North Broadway, PO Box 110 Gloucester City, NJ 08030	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee <i>Landlords</i>		PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) <i>Regina Perfetti entered into a lease to rent our condo in bad faith. Upon the initiation of eviction proceedings, Regina filed bankruptcy to delay the eviction.</i>			
NATURE OF SUIT			
(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)			
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other		FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other	
FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property		FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other	
FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)		FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest	
FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)		FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment	
FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation		FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause	
FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <i>(continued next column)</i>		Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et.seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$ <u>8,008.33</u>	
Other Relief Sought			

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES			
NAME OF DEBTOR <i>Regina Perfetti</i>	BANKRUPTCY CASE NO. <i>18-30798</i>		
DISTRICT IN WHICH CASE IS PENDING <i>NJ</i>	DIVISION OFFICE <i>Camden</i>	NAME OF JUDGE <i>Altenburg</i>	
RELATED ADVERSARY PROCEEDING (IF ANY)			
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.	
DISTRICT IN WHICH ADVERSARY IS PENDING		DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)			
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF)		

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

Dischargeability of Rent

The defendant, Regina Perfetti(debtor), entered into a lease to rent our condo. I believe she did so in bad faith. On April 2, 2018 Regina sent us a credit report(exhibit A) that was prepared for a different landlord. This credit report showed no credit history and no credit score. Regina told us it was because she owned her own cash business(cleaning houses) and she never used credit cards or banks. Additionally, the credit report showed no history of bankruptcies or evictions. We believed her statements and the report she sent us and used it as a basis for choosing her as a tenant.

Through this process of eviction and bankruptcy we have learned that she has an extensive eviction and bankruptcy history as well as a knowledge of the system and how to work it in her advantage.

She eventually moved out on March 15, 2019 after the judgement for possession was issued in the eviction case.

On March 17, 2019 I went to the condo to change the locks. I was approached by a neighbor who lives at 904 Wharton Rd(she declined to give me her name). She said that she had talked with Regina and had been in the condo several times. She said that she had an understanding that Regina was trouble for us. She said that Regina told her she was being evicted because we had seen the neighbors dog at the condo. The neighbor then stated that Regina said she planned to skip out on rent. I confirmed that she did indeed skip out on rent.

The next day, March 18, 2019, we received a vaguely threatening email(exhibit B) from Regina stating, "i would appreciate if you would stop talking to people about private business matters. It is being documented." We received no response from Regina when I asked for clarification of what I did wrong and what was being documented.

On April 12, 2019 I emailed Regina to ask her for her new address(exhibit C) so that we could contact her about the post petition rent she still owed. She refused and further threatened legal action if we tried to pursue collecting the rent. She claimed the rent was discharged by the bankruptcy court. She offered no proof that it was discharged. I responded on April 17, 2019 to ask if she had any documentation proving it was discharged. She replied on April 17, 2019 stating that the conversion of her case to chapter 7 from chapter 13 makes all of the debt accrued up to the conversion considered pre-petition debt. I did misunderstand that fact before. But she did not answer my question about the debt being discharged.

At the time of writing this statement we have not received any evidence that the debt was discharged. I do not believe that the rent was discharged, because the deadline for me to file this statement challenging the dischargeability of her debt is set at April 26, 2019. And the status of her case on PACER is listed as "Awaiting Discharge."

On October 19, 2018 when Regina filed the original chapter 13 petition her debt was \$4,692.20. On January 22, 2019 Regina converted her case to Chapter 7. The debt accrued between October 19, 2018 and January 22, 2019 is \$3,316.13. These amounts are the pre-petition debts and total \$8,008.33. I am asking that this \$8,008.33 not be discharged.

After the conversion in January she accrued further debt of \$2,089.06.

I will not be able to serve this summons to Regina since she has not provided us a forwarding address but I will serve it on her attorney Mark W. Ford.



4/19/2019

Adam Ripa

Exhibit A

From: Regina Perfetti gina281035@gmail.com
Date: Apr 2, 2018 at 8:45:17 PM
To: Kripa0722@gmail.com

Hi Kim. Here is the credit report. Let me know if you need clarification on anything and if its clear enough. Thank you



3G 36% 4:12 PI



amerusa.com



3665 East Bay Dr #204-183
Largo, FL 33771
(800) 399-9183

PREPARED EXCLUSIVELY FOR

LANDLORD: Gina Wynne

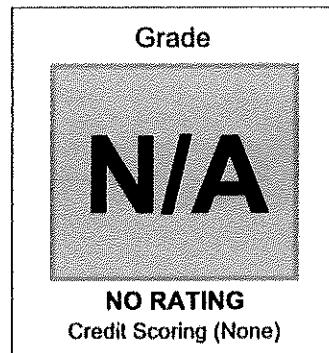
REPORT DATE: 04/01/2018

APPLICANT INFORMATION

**APPLICANT NAME: REGINA
PERFETTI**

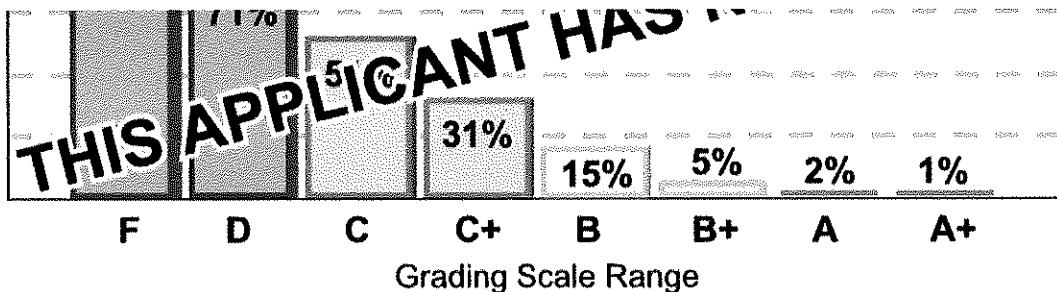
SSN: Exact match between SSN on application and SSN on file

CREDIT SCORING



The rate of future delinquency over the next two years.





According to long-established credit scoring standards, consumers who grade C or below have a delinquency rate of 51%. This means that for every 100 borrowers in this range approximately 51 will default on a loan, file bankruptcy, or fail to make a payment 90 days past due on at least one account in the next two years.

*We only approve or recommend applicants with a rating of GOOD or EXCELLENT. While this scoring model offers no guarantee of a perfect tenancy, it helps minimize the statistical probability of a future delinquency.

RATING DEFINITIONS			
RATING	DESCRIPTION	LAST MONTH'S RENT	SECURITY DE
EXCELLENT	Applicant has demonstrated a strong ability to satisfy creditor	(if never late)	Optional



Back



Forward



Home



Bookmarks



Tabs



3G 36% 4:12 PI

RATING DEFINITIONS			
RATING	DESCRIPTION	LAST MONTH'S RENT	SECURITY DE
EXCELLENT:	Applicant has demonstrated a strong ability to satisfy creditor obligations.	(if never late) Optional	Optional
GOOD:	Applicant has demonstrated a good ability to satisfy creditor obligations.	(if never late) Optional	Always Sugg
FAIR:	Applicant falls below national average for creditworthiness and may be a credit risk.	Always Suggested	Always Sugg
POOR:	Applicant is statistically considered a high risk for future delinquency on existing obligations.	Strongly Suggested + Extra (don't exceed your state limits)	Strongly Sugg Extra (don't e) your state lim

What to do when faced with the following results?

NO RATING: Applicant has an insufficient credit history.
We recommend that you ask to see cancelled rent checks (if applicable) for most recent 12 months and verify all personal references.

NO GRADE: Report comes back without a credit score.
Applicants without a credit score usually have insufficient credit or no account activity for the past six months.

NO RECORD: Report comes back as "no hit" or "no record".
This is when the credit bureaus do not have any information on file for your applicant. But don't be alarmed yet - a person can have no credit history for any of the following reasons:



- The person has never bothered to apply for credit (i credit cards, car loans, mortgages, etc.); their money basically kept under the mattress.
- The applicant is a young adult, perhaps fresh out of school.
- The information that was inputted into the credit system to request a report was mistakenly entered either because of human error or because the handwritten application was genuinely indecipherable or unintentionally inaccurate. Note: Always double check all “no records.”
- The applicant is intentionally trying to deceive you (rare, but it does happen).

If the resulting record was eventually determined not to be a human error and is a legitimate record of “no credit history,” then take the following steps:

Step 1: Ask the applicant if they have a personal checking or savings account, so you can contact the bank for a reference.



3G 36% 4:12 PM

or savings account, so you can contact the bank for a reference.

Step 2: Ask for copies of the most recent 12 months worth of cancelled rent checks (especially useful when currently renting from individual landlord).

Step 3: Ask for utility and any other reputable third-party statements that may show a positive payment history over the past 12 months.

Step 4: As a last resort, you may want to consider asking the applicant if he or she knows someone (with a good credit rating) that would be willing to co-sign and guarantee the lease.

PUBLIC RECORDS

NONE

This information is obtained from county, state and federal courts and includes bankruptcies, civil judgments and tax liens. The most important part of this section is whether or not there are any civil judgments on file. Bankruptcy information and liens are important, but not nearly as important as knowing the applicant was successfully sued in a court of law by a previous landlord, individual or creditor. Civil judgments are a common attribute of eviction cases. If you see evidence of possible eviction, a separate eviction search for civil filings is recommended.

How long do public records remain on file?

- Bankruptcy Chapters 7 and 11 stay on for 10 years (7 years for Chapter 13)

Exhibit B

From: Kim Ripa
Sent: Tuesday, March 19, 2019 12:34 AM
To: Adam ICE
Subject: Fwd: March Payment Tracker / Move out date

What is she referring to??

Sent from my iPhone

Begin forwarded message:

From: Regina Perfetti <gina281035@gmail.com>
Date: March 18, 2019 at 6:03:58 PM PDT
To: Kim Ripa <kripa0722@gmail.com>
Subject: Re: March Payment Tracker / Move out date

You should know people talk and you know ive been moved out for almost 3 weeks now..i would appreciate if you would stop talking to people about private business matters. It is being documented. Thank you

On Thu, Mar 14, 2019, 9:04 PM Kim Ripa <kripa0722@gmail.com> wrote:
Can you not bring them to us tomorrow?

Sent from my iPhone

On Mar 14, 2019, at 8:48 PM, Regina Perfetti <gina281035@gmail.com> wrote:

Ill put them in the mail to you

On Thu, Mar 14, 2019, 8:24 PM Kim Ripa <kripa0722@gmail.com>
wrote:
Just txted you, mailbox keys stay at the condo. They do NOT go to the post office

Sent from my iPhone

On Mar 14, 2019, at 7:51 PM, Regina Perfetti <gina281035@gmail.com> wrote:

Keys on the counter. Missing one key. Mailbox keys will be turned in at post office. Doors locked. All done. Possession belongs to you. Didnt have a chance to vaccuum or sweep. Thanks.

On Wed, Mar 13, 2019, 6:58 PM Regina Perfetti <gina281035@gmail.com> wrote:
Ok

Exhibit C

From: Regina Perfetti
Sent: Wednesday, April 17, 2019 10:43 AM
To: Adam Ripa
Subject: Re: New Address

The stay relief that was granted was for POSSESSION only. Once a case is converted any new debt incurred is considered as if it occurred pre-petition not to mention the fact the lease was REJECTED and I vacated the premises but its not my job to explain this to you. I've told you BEFORE to see 11 U.S.C section 348(d). There is no notice required to voluntarily convert a case. With that being said, I will ask you for the last time to stop contacting me, otherwise, I will be forced to file a motion for violating federal law. Please leave me alone

On Wed, Apr 17, 2019, 10:04 AM Adam Ripa <agr117@hotmail.com> wrote:

Regina,

If that is the case that the Pre and Post-petition rents are discharged I'm sure you have some documentation that shows that fact. Please provide this documentation and we won't pursue it.

Thank you,

Adam

Sent from [Mail for Windows 10](#)

From: Regina Perfetti <gina281035@gmail.com>
Sent: Saturday, April 13, 2019 12:10:45 PM
To: Adam Ripa
Subject: Re: New Address

There is nothing to contact me about. The rent is discharged and if you continue to pursue it, I will have to file a motion for contempt again. I am no longer in NJ so please cease and desist from contacting me. I am still in an active bankruptcy

On Sat, Apr 13, 2019, 12:03 PM Adam Ripa <agr117@hotmail.com> wrote:
For anything we need to contact you about.
For example, you still owe us a bit over 6k in post petition rent.

Adam

On Apr 12, 2019, at 5:54 PM, Regina Perfetti <gina281035@gmail.com> wrote:

For?

On Fri, Apr 12, 2019, 11:43 AM Adam Ripa <agr117@hotmail.com> wrote:

Hello Regina,

Could you please provide us with your new address?

Adam